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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,450

03/13/2006

Peter Tiesler

ZAHFRI P813US

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20210 7590 04/16/2008  
DAVIS BUJOLD & Daniels, P.L.L.C.  
112 PLEASANT STREET  
CONCORD, NH 03301

EXAMINER

LEWIS, TISHA D

ART UNIT

PAPER NUMBER

3681

MAIL DATE

DELIVERY MODE

04/16/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/565,450	<b>Applicant(s)</b> TIESLER, PETER	
	<b>Examiner</b> TISHA D. LEWIS	<b>Art Unit</b> 3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 39-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39-76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/20/2006</u> .   | 6) <input type="checkbox"/> Other: ____.                          |

### **DETAILED ACTION**

The following is a first action on the merits of application serial no. 10/565,450 filed on March 13, 2006.

#### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Information Disclosure Statement***

The information disclosure statement filed on January 20, 2006 has been considered.

#### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: The characters B and E representing the two clutches. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

Claims 49 and 57 are objected to because of the following informalities:

As to claim 49, the reference character (3) in line 5 should be changed to (30).

As to claim 57, a comma should be placed behind "section" at the end of line 2.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 39-76 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 39, lines 1-5, two axially adjacent clutches are introduced with each having a pressure space and a pressure compensation space, then in lines 8 and 9, a pressure compensation space for a radially outer clutch and a pressure space for a radially inner clutch is introduced, this is indefinite because it is unclear as to if these are the same clutches and spaces introduced in lines 1-5. Also, as to line 11 of claim 39, applicant needs to clarify which pressure compensation space is being referred to since reference characters are not given patentable weight as claim limitations (i.e., can be directly tapped from the pressure compensation space of the outer clutch for actuation of the outer clutch).

As to claim 46, the limitation of "a separate sealant" is indefinite because it is unclear as to if this is the same sealant as introduced in claim 44.

As to claim 47, Applicant needs to clarify which pressure compensation space and which piston is being referred to since reference characters are not given patentable weight as claim limitations (i.e., the pressure compensation space for a piston of the inner or outer clutch?).

Claim 47 recites the limitation "the common disc carrier" in lines 4 and 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 48 recites the limitation "the common disc carrier" in line 5. There is insufficient antecedent basis for this limitation in the claim.

As to claim 49, Applicant needs to clarify which pressure compensation space and which piston is being referred to since reference characters are not given patentable weight as claim limitations (i.e., the pressure compensation space for a piston of the inner or outer clutch?).

Claim 54 recites the limitation "the common disc carrier" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 55 recites the limitation "the common disc carrier" in line 4. There is insufficient antecedent basis for this limitation in the claim.

As to claim 55, line 3, applicant needs to clarify which pressure compensation space is being referred to since reference characters are not given patentable weight as claim limitations.

As to claim 57, line 3, applicant needs to clarify which pressure compensation space is being referred to since reference characters are not given patentable weight as claim limitations.

As to claim 61, applicant needs to clarify which pressure compensation space and which piston is being referred to since reference characters are not given patentable weight as claim limitations.

Claim 63 recites the limitation "the baffle plate, the cylinder and the hub" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 66 recites the limitation "the baffle plate" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 67 recites the limitation "the lubricant or coolant flow for the inner clutch" in lines 4 and 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 73 recites the limitation "the transmission housing" in the last line. There is insufficient antecedent basis for this limitation in the claim.

As to claim 76, line 2, applicant needs to clarify which pressure compensation space is being referred to since reference characters are not given patentable weight as claim limitations.

***Allowable Subject Matter***

Claims 39-76 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Busold et al 7,021,422 discloses that lubricant can be used to operate clutches.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TISHA D. LEWIS whose telephone number is 571-272-7093. The examiner can normally be reached on M-F 9AM TO 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHARLES A. MARMOR can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tdl

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April 12, 2008  
/TISHA D. LEWIS/  
Primary Examiner, Art Unit 3681